

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Clarify Governmental Liability with Respect to Transfer Stations**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §8102, sub-§5** is enacted to read:

**5. Transfer station.** "Transfer station" means any solid waste facility constructed and managed for the transfer of solid waste.

**Sec. 2. 14 MRSA §8104-A, sub-§5** is enacted to read:

**5. Transfer station.** A governmental entity is liable for its negligent acts and omissions in the construction, operation or maintenance of any transfer station.

### **SUMMARY**

This bill addresses an inconsistency in the Maine Tort Claims Act as applied in recent Law Court decisions. This bill makes clear that a governmental entity is liable for its negligent acts and omissions in the construction, operation or maintenance of any transfer station. A definition of "transfer station" that tracks the Department of Environmental Protection's rules is added.